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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,285	11/19/2003	David M. Stravitz	03568/LH	9501
1933	7590	03/30/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	
DATE MAILED: 03/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Office Action Summary</i>	Application No.	Applicant(s)
	10/717,285	STRAVITZ, DAVID M.
Examiner	Art Unit	
Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 17-40 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) 2, 12, 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 17-40 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 3, 2005.
2. Applicant's election without traverse of Group 1 in the reply filed on February 3, 2005 is acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Verdon et al., U. S., Patent 4,980,982.
5. Verdon teaches a rectangular frame including a front transparent panel 10 and a rear panel 36 spaced from the front panel, wherein the front and rear panels define a space therebetween for receiving an object to be displayed. The front panel 10 has a substantially planar portion and retaining members 26 formed along four edges of the front panel, wherein each of the retaining members includes an extension portion 28 extending rearward relative to the substantially planar portion and an inwardly projecting ridge 30 formed on an inward surface of the extension portion. Verdon also teaches a rear panel 36 being arranged to fit snugly between the ridges and a rear surface of the front panel.

6. With respect to claim 7, Verdon teaches stand comprising a foldable panels 42 and 44.

See figure 6.

7. Claims 1, 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Noggle, U. S. Patent 5,109,619.

8. Noggle teaches a rectangular frame including a front transparent panel 3 and a rear panel 2 spaced from the front panel to define a space therebetween for receiving an object to be displayed. The front panel 3 has a substantially planar portion and retaining members 8 formed along four edges of the front, wherein each of the retaining members including an extension portion 7 extending rearward relative to the substantially planar portion and an inwardly projecting ridge 8 formed on an inward surface of the extension portion. Noggle also teaches the rear panel 2 being arranged to fit snugly between the ridges and a rear surface of the front panel.

9. With respect to claim 5, Noggle teaches the rear panel 2 having grips or slots 21 for inserting an instrument or fingernail to snap the rear panel for engagement with the front panel. (See column 3, lines 51-63).

10. With respect to claim 7, Noggle teaches stand comprising a pivotal leg 30 for supporting the frame upright on a horizontal surface.

11. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogeles, U. S. Patent 3,918,187. Vogeles teaches a rectangular frame including a front member 12 and a rear member 14 spaced from the front panel define a space therebetween for receiving an object 16 and 50 to be displayed. The front member 12 has a substantially planar transparent portion 32 and retaining members 28, 30a, and 30b formed along two edges of the front member, wherein each of the retaining members including an extension portion 22a and b extending rearward

relative to the substantially planar portion and an inwardly projecting ridge 28, 30a and 30b formed on an inward surface of the extension portion. Vogeles also teaches the rear panel 2 being arranged to fit snugly between the ridges and a rear surface of the front panel.

12. With respect to claim 7, Vogeles teaches block B for supporting the frame on a horizontal surface. See column 4, lines 45-50 and figure 1.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogeles in view of Field, U. S. Patent 4,594,802. Vogeles teaches the limitation of the claimed invention except the support comprising a base and a channel to receive the edge portion of the frame. Field teaches a display device comprising a front and rear frame member and a support member 26. The support member has base 26, vertical parallel walls 60 and 62 defining a channel 64 adapted to receive the lower edge portion of the frame. See figure 8.

15. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the frame taught by Vogeles with the support taught by Field to provide a means to removably secure the frame to the support.

16. With respect to claim 11 and 13, the support includes a trapezoidal recess portion at the lower portion of the channel for receiving the enlarged flange 65 and 66 of the lower edge of the

frame such that when the frame is inserted into base the engagement of the lower edge of the frame into the channel creates a securing or locking means.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogeles in view of Fell, U. S. Patent 6,412,743. Fell teaches a support base comprising an angle front and rear portion defining a vertical slot therebetween and vertical sidewalls. Although Fell does not teach the front and rear portion having semi-cylindrical form, since the applicant does not disclose that a semi-cylindrical form solves any stated problem or is for any particular purpose, it appears that constructing the form of any suitable shape as taught by Fell would perform equally well.

18. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogeles in view of Chamlian, U. S. Design Patent 335,394. Chamlian teaches a stand comprising a rearwardly angled slot with angled walls. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the stand taught by Vogeles with the support stand taught by Chamlian or provide a means to display the frame upon a horizontal surface at an angle to increase the visibility of the picture being displayed.

Allowable Subject Matter

19. Claims 2, 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
February 18, 2005